

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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EMEM UFOT UDOH,

Petitioner,

v.

**MEMORANDUM OF LAW & ORDER**  
Civil File No. 19-1311 (MJD/HB)

NATE KNUTSON,

Respondent.

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Emem Ufot Udoh, pro se.

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On May 31, 2019, United States Magistrate Judge Hildy Bowbeer issued a Report and Recommendation recommending that Petitioner Emem Ufot Udoh's Petition for Writ of Habeas Corpus be dismissed without prejudice. [Docket No. 5] With regard to Petitioner's claims challenging the validity of his state court conviction, the Report and Recommendation explained that the Court lacks jurisdiction over his successive habeas petition because Petitioner had not received authorization from the Eighth Circuit Court of Appeals to file a successive habeas petition. On August 29, 2019, this Court adopted the Report and Recommendation, dismissed Petitioner's Petition for Writ of Habeas Corpus

without prejudice, declined to issue a Certificate of Appealability, and entered judgment. [Docket No. 53] Petitioner appealed to the Eighth Circuit Court of Appeals. [Docket No. 57]

In September 2019, Petitioner filed a Motion to Reconsider [Docket No. 56] and a Letter requesting reconsideration of the Court's denial of his extension of time to file objections to the Report and Recommendation [Docket No. 55]. On September 18, 2019, this Court denied both motions. [Docket No. 60]

On January 30, 2020, Petitioner filed a Motion to Vacate, signed by Petitioner on January 27, 2020. [Docket No. 65] On January 28, 2020, the Eighth Circuit denied Petitioner's application for a certificate of appealability, denied Petitioner's motion to remand, and dismissed the appeal. [Docket No. 64]

In the Motion to Vacate, Petitioner argued that he should be granted authorization to file a successive habeas petition and requested that the judgment of this Court be vacated and that the matter be "remand[ed] for further consideration." (Motion at 13.) As the Court explained in previous orders, only the Eighth Circuit Court of Appeals can issue an authorization to file a successive habeas petition in this Court. This Court does not have jurisdiction to decide

whether such authorization is warranted. On February 4, 2020, this Court denied the Motion to Vacate. [Docket No. 67]

Since February 4, Petitioner has continued to file documents, letters and exhibits with this Court. (See [Docket Nos. 69, 70-71, 73-76].) This case is closed, and Petitioner does not have any motion currently pending before this Court. The Court does not have jurisdiction to authorize Petitioner to file a successive habeas petition. Therefore, the Court will take no action with regard to Defendant's recent letters and filings.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

Petitioner Emem Ufot Udoh is informed that the Court will take no further action on Petitioner's filings because there are no motions pending before the Court, Petitioner's motions for reconsideration and to vacate have been denied, and this matter is closed.

Dated: April 15, 2020

s/ Michael J. Davis  
Michael J. Davis  
United States District Court